

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOBIL CERRO NEGRO, LTD.,

Plaintiff,

v.

PDVSA CERRO NEGRO S.A.,

Defendant.

Civil Action No. 07 Civ. 11590 (DAB)

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO
CONFIRM SUPPLEMENTAL ORDER OF ATTACHMENT**

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Date: January 11, 2008

Plaintiff Mobil Cerro Negro, Ltd. ("Mobil CN") moves for an order confirming a Supplemental Order of Attachment entered by this Court on January 8, 2008. Mobil CN respectfully requests that this motion be considered on the same schedule this Court set for Mobil CN's January 2, 2008 Motion to Confirm the December 27, 2007 Order of Attachment.¹ The undersigned counsel has conferred with counsel for Defendant PDVSA Cerro Negro S.A. ("PDVSA CN"), and PDVSA CN consented to the Court considering this Motion to Confirm the Supplemental Order of Attachment on the same schedule this Court set for the January 2, 2008 Motion to Confirm the December 27, 2007 Order of Attachment.

Previously, this Court issued an Order of Attachment on December 27, 2007, securing up to \$300,000,000 of monies, property, and/or interest in property of PDVSA CN as were on deposit with, or held by, The Bank of New York Mellon Corporation ("Bank of New York"). Pursuant to CPLR § 6211(b), Mobil CN was required to move to confirm the December 27, 2007 Order of Attachment within 5 days, which Mobil CN did timely on January 2, 2008.

On January 3, 2008, Mobil CN applied *ex parte* for a Supplemental Order of Attachment to increase the December 27, 2007 Order of Attachment by \$15,000,000 because the Bank of New York's Garnishee Statement disclosed that the bank held funds in an amount that exceeded \$300,000,000. The Court issued a Supplemental Order of Attachment on January 8, 2008, securing up to \$315,000,000 of monies, property, and/or interest in property of PDVSA CN as are on deposit with, or held by the Bank of New York. The Supplemental Order of Attachment was served on the Bank of New York on January 8, 2008. *See* Declaration of Kimberly Brzozowski (January 8, 2008) (Docket #33).

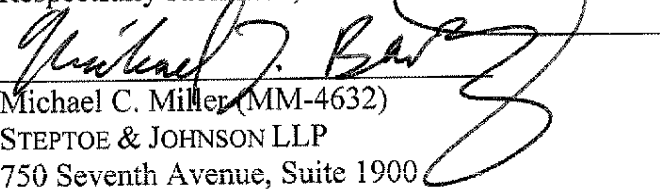
¹ The Court set a briefing schedule and hearing date to consider the January 2, 2008 Motion to Confirm the December 27, 2008 Order of Attachment in a separate January 8, 2008 Order.

Mobil CN brings this motion under CPLR § 6211(b) to confirm the January 8, 2008 Supplemental Order of Attachment. Mobil CN incorporates by reference into this memorandum and offers as support for its position that the Supplemental Order of Attachment should be confirmed: its Memorandum in Support of Its Motion to Confirm Order of Attachment, filed January 2, 2008, the Declaration of Steven K. Davidson, dated January 2, 2008, and the exhibits thereto, and all the prior pleadings and proceedings herein, including the Declaration of Michael J. Baratz, dated December 26, 2007.

For the foregoing reasons, Mobil CN respectfully requests that this Court confirm the Supplemental Order of Attachment entered on January 8, 2008, and consider this motion on the same schedule as is set for the Motion to Confirm the December 27, 2007 Order of Attachment.

Dated: New York, New York
January 11, 2008

Respectfully submitted,


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